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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,980	07/11/2003	Lieven Leopold Albertine Trappeniers	Q76440	2865

  

23373	7590	07/02/2007
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EXAMINER	
ISMAIL, SHAWKI SAIF	

  

ART UNIT	PAPER NUMBER
2155	

  

MAIL DATE	DELIVERY MODE
07/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/616,980

Applicant(s)

TRAPPENIERS ET AL.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment**

1. This communication is responsive to the amendment received on May 23, 2007.

Claims 1-10 have been amended.

Claims 11-12 have been newly added.

Claims 1-12 are pending further examination.

The Drawings received on July 11, 2003 are hereby acknowledged and accepted

As requested by applicant, the Examiner hereby acknowledges that the instant application was filed on July 11, 2003.

### **Claim Rejections - 35 USC § 101**

2. The 101 rejections for claims 1-10 made in the previous office action mailed out on March 29, 2007 have been overcome by applicant's amendments and are hereby withdrawn.

### **The New Grounds of Rejection**

3. Applicant's arguments, see remarks, filed May 23, 2007, with respect to the rejection(s) of claim(s) 1-10 under 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

### **Claim Rejections - 35 USC §102**

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-12, are rejected under 35 U.S.C. 102(b) as being anticipated by **Spell et al.**, (Hereinafter referred to as Spell) U.S. Patent No. **6,,208,640**.

5. As to claim 1, Spell method for allocating network resources by just-in-time modulation of quality of service (QoS) comprising:

receiving a user profile from a client terminal, said user profile comprising aggregated user behavior information recorded at said client terminal (col. 10, lines 7-31);

receiving QoS demands from said client terminal, said QoS demands determined based on said user profile (col. 3, lines 50-67); and

allocating network resources to said client terminal based on said QoS demands 9col 7, line 50 – col. 8, line 3).

6. As to claim 2, Spell teaches the method according to claim 1, wherein the method is performed according to QoS user preferences (col. 7, lines 7-31).

7. As to claim 3, Spell teaches the method according to claim 2, wherein said QoS user preferences specify a QoS demanding strategy (col. 7, lines 7-31).

8. As to claim 4, Spell teaches the method according to claim 1, wherein said QoS demands are predicted by a neural network (col. 4, lines 13-24).

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9. As to claim 5, Spell teaches the method according to claim 1, wherein the coordinating concurrent QoS demands of a manifold of users (col. 12, line 66 – col. 13, line 14).

10. As to claim 5, Spell teaches the method according to claim 4, wherein said prediction is based on said aggregated service usage and user behavior information recorded at said client terminal (col. 4, lines 7-27).

11. As to claim 5, Spell teaches the method according to claim 1, wherein coordinating concurrent QoS demands of a manifold of users comprises evaluating QoS demands of a manifold of users, and balancing QoS grants based on QoS user profiles of said manifold of users (col. 12, line 66 – col. 13, line 14)..

12. Claims 6-10 do not teach or define any new limitation above claims 1-5 and 11-12; therefore, they are rejected for similar reasons.

13. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

*Response to Arguments*

Applicant's amendment and arguments have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
June 18, 2007



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER